

Exhibit A

FEDERAL PUBLIC DEFENDER

NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION
55 SOUTH MARKET STREET
SUITE 820
SAN JOSE, CA 95113

STEVEN G. KALAR
Federal Public Defender

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COPY

May 14, 2015

MELINDA HAAG
United States Attorney
150 Almaden Blvd., Suite 900
San Jose, CA 95113

Attn.: Brianna Penna

Re: United States v. Douglas Storms York
CR 15-00226-BLF

Dear Ms. Penna:

This office represents defendant Douglas Storms York. Pursuant to Federal Rules of Criminal Procedure, and in accordance with local practice, I am setting forth herein, in place at this time of formal motions, certain requests for discovery and other information. Please advise me in writing before the next court appearance as to which of these matters, if any, are in issue so I may consider the possibility of preparing pretrial motions. Please provide that information over which there is no dispute to me as soon as possible.

1. Any relevant written or recorded statements or admissions made by the defendant, or copies thereof, in the possession, custody or control of the government, or any agency working for or on behalf of the government. This request encompasses both pre-indictment and post-indictment material, including all relevant writings made or endorsed by the defendant, recorded testimony of the defendant or agent of the defendant before a grand jury, and any recordings of defendant's conversations by means of electronic surveillance.

2. The substance of any relevant oral statements or utterances made by the defendant, including but not limited to reports, memoranda, notes or other papers reflecting or relating such oral statements or utterances within the possession, custody or control of the government. In addition, please provide copies of any waiver forms or advisement of rights forms utilized.

With respect to this matter, you are hereby placed on notice and asked to preserve and maintain all original notes, memoranda and other documents prepared by or on behalf of the government. You are also requested to advise any federal agencies and state agencies involved in this case to preserve and maintain all original notes, memoranda and other documents.

3. The names, addresses and qualifications of any experts whom the government intends to call as witnesses at trial. In addition, I request that you provide me with the names and case numbers of any court proceeding in which these individuals have testified as experts.

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4. All relevant results and reports of physical, mental or scientific examinations or tests or experiments made or prepared in connection with this case which are material to the preparation of the defense or are intended for use by the government at trial or which were prepared by any expert witness the government intends to call at trial. This request includes but is not limited to any reports or experiments with respect to any fingerprint analysis, handwriting analysis, voiceprints, transponder and/or pen-register.

5. All books, papers, documents, photographs and other tangible objects which were obtained from or belong to the defendant.

6. Any other books, papers, documents, photographs and tangible objects which are material to the defendant's defense or which the government intends to use at trial.

7. All records reflecting government surveillance of my client, or of other individuals as part of or connected to this investigation. 'Government surveillance' as used in this request means any method by which law enforcement, national security or other government agents obtained information regarding my client. Specifically, it includes all forms of location tracking (including cell site location tracking, use of a GPS device, monitoring the location of a cellular phone or other electronic device, etc., hidden video, drones or other location monitoring tools), any use of a cell-site simulator or similar device (such as a stingray, triggerfish, WIT technology, etc.), access to telephone or email transactional records or metadata, and any access to, or storage, acquisition, collection, monitoring, targeting or use in connection with this investigation of oral, wire, electronic communications or of other information related to or concerning my client. It also includes access to the contents of communications either directly by the government or via third parties (including wiretaps, FISA intercepts, any other means of obtaining communications content, installation of pen registers/trap-and-trace devices, access to signaling, dialing, routing or other telephone billing, account or transactional information or metadata, any monitoring of internet activity of any type, and any installation of software on a machine not owned by the government). Government surveillance also includes any instance where the government obtains records from a third party, such as a phone company, internet service provider, financial institution, or other party, and obtains any records of my client's location, communications, or records related to him/her or this investigation.

This request for 'all records' includes both the raw and refined data obtained from the electronic surveillance. It also includes any authorizing documentation (including subpoenas, court orders, warrants, etc.) and any requests for authorization or records (including certifications, directives, motions, affidavits, declarations, national security or exigency letters, etc.) seeking judicial, governmental, or other third-party authorization or disclosure of records, whether or not such authorization or disclosure was granted.

This request specifically includes any activity falling entirely or partially under any of the following statutes: the Wiretap Act, Electronic Communications Privacy Act, Stored

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Communications Act (18 USC 2701 et seq.), Pen Register/Trap and Trace Statute (18 USC 3121), USA Patriot Act including section 215 orders (50 USC 1861) and National Security Letters (18 USC 2709), Foreign Intelligence Surveillance Act (50 USC 1801 et seq.), including as amended by the Protect America Act (now expired) or the FISA Amendments Act (50 USC 1881a et seq.), and the Communications Assistance for Law Enforcement Act (47 USC 1001 et seq.).

8. All documents or other evidence or information within the possession, custody or control of the government which tends to indicate that any of the evidence against defendant has been obtained as a result of any allegedly lawful or unlawful search or seizure or electronic surveillance.

9. Any criminal record of the defendant and of any person utilized within the investigation, or whom the government intends to call as a witness at trial, or who has testified as a witness at any grand jury proceeding.

10. Any promises, understandings or arrangements, between the government, its agents and representatives and persons (including counsel for any persons) whom the government intends to call as witnesses at trial or who participated in any way in the investigation of this case. This request includes but is not limited to promises or agreements not to prosecute and proof of payments made by the government to the aforementioned individuals.

11. The names and addresses of all persons whom the government intends to call as witnesses at trial. I further request copies of their statements no fewer than thirty (30) days prior to trial.

12. All evidence of any kind which either tends to exculpate defendant, or tends to be favorable or useful or material to the defense, or tends to affect the weight or credibility of the evidence to be presented against the defendant, which is within the possession, custody or control of the government, the existence of which is known or by the exercise of due diligence may become known to the attorney for the government. This request includes the names, addresses and any statements of any persons who were interviewed who did not supply incriminating information with respect to defendant. In addition, I respectfully request all information relating adversely to the character or reputation of any government witness which would enable the defense to cross-examine said individual more effectively. Furthermore, I request that you review and produce relevant documents of this nature from the personnel file of any government employee or agent you intend to call as a witness at trial or in pretrial proceedings.

13. A statement as to whether the defendant's photograph, likeness, or image was exhibited to anyone during the course of the investigation of this matter, including details such as a list of the dates, times, and places of all such occurrences and the names of the persons, including counsel, who were present. I further request color copies of any and all such documents exhibited, including but not limited to photospreads and photographs of lineups.

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14. A statement as to whether the government intends to introduce statements of coconspirators, charged or uncharged, against the defendant, and copies of all such statements.

15. A statement as to whether the government intends to offer evidence against the defendant pursuant to Rules 404(b), 608, or 609 of the Federal Rules of Evidence, and a specific factual statement describing all such evidence.

16. A statement regarding whether and upon what terms and conditions this case might be resolved without trial, as well as the following materials to permit me to evaluate the possibility of such a disposition:

a) All investigative reports that might be made available to the probation department after a guilty plea.

b) The substance of any information that the government may give to the probation department after a plea but that does not appear in any written report provided to me.

c) A written statement detailing the government's position concerning the applicability of the Federal Sentencing Guidelines and, if they apply, your calculation of the defendant's Guideline sentence.

Thank you in advance for your cooperation in this matter.

Sincerely,

STEVEN G. KALAR
Federal Public Defender



GRAHAM E. ARCHER
Assistant Federal Public Defender

GEA/sfb